

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Eighth Session
March 2, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:35 p.m. on Monday, March 2, 2015, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Modular Conference Room, Chilton Circle, Great Basin College, 1500 College Parkway, Elko, Nevada, and to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Patricia Farley, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Greg Brower
Senator Kelvin Atkinson

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senatorial District No. 19
Assemblyman John Ellison, Assembly District No. 33
Assemblyman Ira Hansen, Assembly District No. 32

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Haley Johnson, Committee Secretary
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Mark A. Hutchison, Lieutenant Governor
Robert List

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Ryan Cherry, Chief of Staff, Office of the Lieutenant Governor
Bob Miller
Ed Uehling
Jim Slade

Lynn Chapman, Eagle Forum; Independent American Party
Janine Hansen, Nevada Families for Freedom
John Wagner, Independent American Party
John Ridgeway
Howard Watts III
David W. Carter

Richard Brengman
Gary Schmidt

Demar Dahl, Chair, Nevada Land Management Task Force; Board of
Commissioners, Elko County

Mike Baughman, Ph.D., President, Intertech Services Corporation
Jeff Fontaine, Executive Director, Nevada Association of Counties
Neena Laxalt, Nevada Cattlemen's Association
Steve Walker, Board of Commissioners, Eureka County
Jerrie Tipton, Board of Commissioners, Mineral County
Ben Griffith, Comstock Mining

Terry Sullivan
Ramona Hage Morrison
Bob Clifford

Jim Falk
Alisa L. Bistrek
Linda Sanders

James Combs, Nevada Farm Bureau
Juanita Clark, Charleston Neighborhood Preservation
Jim Sallee

Alex Ortiz, Clark County
Peggy Lear Bowen
Peter V. Bradley

Kyle Davis, Nevada Conservation League
Larry Johnson, Coalition for Nevada's Wildlife
David von Seggern, Chair, Sierra Club, Toiyabe Chapter
Tina Nappe

Ed DeCarlo
Shaaron Netherton, Executive Director, Friends of Nevada Wilderness
Susan Juetten

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Erik Holland
Kent Ervin
Dan Carrick, Lahontan Audubon Society
Janice Flanagan
Karen Boeger, Backcountry Hunters and Anglers, Nevada Chapter
Leah Sturgis
Shevawn Von Tobel, Friends of Nevada Wilderness
James Thompson
Minas Mkhitarian
Anthony Barron
John Hiatt
Robert Gaudet, President, Nevada Wildlife Federation; National Wildlife Federation
Jaina Moan, Executive Director, Friends of Gold Butte
Jose Witt
Howard Rubin
Christian Gerlach
C.T. Wong

Chair Farley:

I will open today's hearing with Senate Joint Resolution (S.J.R.) 3, which was submitted on behalf of the Lieutenant Governor, Mark A. Hutchison.

SENATE JOINT RESOLUTION 3: Proposes to amend the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor. (BDR C-486)

Mark A. Hutchison (Lieutenant Governor):

This bill, S.J.R. 3, proposes an amendment to the Nevada Constitution to allow the Lieutenant Governor to be elected jointly with the Governor. I have a proposed amendment to this bill ([Exhibit C](#)).

This issue is important to voters to ensure a consistency of vision between the two State offices should a Lieutenant Governor ever be called on to be an acting Governor. If this transition is ever made, it is more seamless, less controversial and better reflects the will of the people if the Governor and Lieutenant Governor are on the same page politically. I have submitted my talking points ([Exhibit D](#)) and written testimony ([Exhibit E](#)).

Robert List:

As a former Governor of Nevada, I support S.J.R. 3. I have two personal examples of complications that can arise when you have a Governor and Lieutenant Governor on opposite parties. The first example took place in 1965 when Governor Grant Sawyer, a Democrat, was serving his second term with Paul Laxalt, a Republican, as Lieutenant Governor. At one point there were allegations of misconduct at the Nevada Department of Highways, now called NDOT. It was a scandal in the view of the Republicans.

Lieutenant Governor Laxalt decided this situation needed a State grand jury, which is possible under *Nevada Revised Statute* 6.135, allowing a Governor to call upon a district judge of any county to convene a State grand jury to investigate a problem within a State agency or department. Lieutenant Governor Laxalt publicly suggested that Governor Sawyer should request a grand jury, but that did not happen.

The first time Governor Sawyer left the State, to give a speech in Sacramento, Lieutenant Governor Laxalt became the acting Governor by law.

After Governor Sawyer left Carson City, then-Acting Governor Laxalt arranged to meet with a local District Court Judge Frank Gregory. Acting Governor Laxalt requested the grand jury to which District Judge Gregory agreed. When Governor Sawyer returned that night, he learned of the event and attempted to reverse the order for the grand jury.

The next day, despite that reversal attempt, District Judge Gregory issued an order for the grand jury formation to investigate this so-called scandal. Governor Sawyer then filed a lawsuit against the Judge, which ultimately went to the Nevada Supreme Court. The Supreme Court held that although Governor Sawyer was in Sacramento, he was not "effectively absent" from the State because he still had telephone communication and was not out of the State very long. The decision was that Lieutenant Governor Laxalt did not have the power of the Governorship during that short time.

This interaction caught national attention and created a real conflict within the State. It raised the question of when a Lieutenant Governor can take over and when the Governor is truly absent from the State. These questions remain today. If a Governor is in Washington, D.C., is he or she absent enough to allow the Lieutenant Governor to act alone on an issue? Would it be only applicable

when the Governor is out of telephone contact? There is still this uncertainty about when a Lieutenant Governor becomes the acting Governor and is truly the chief executive of the State. This dilemma does augur in favor of having a compatible Governor and Lieutenant Governor who share the same philosophy.

Another situation arose when I was Governor. I was a Republican and my Lieutenant Governor, Myron Leavitt, was a Democrat. He announced that when I left the State, he would take action to terminate the lease of a company that operated a low-level nuclear waste site near Beatty. The lease had been entered into by Governor Michael O'Callaghan, my predecessor and a Democrat. When I left the State for business, the Lieutenant Governor took that action. I came back, revoked his action and it stopped there.

But the relationship between us was effectively demolished. From that point forward, I had a Lieutenant Governor I did not trust, and I also missed out on having a partner that a Governor so badly needs. It is a pretty tough job; it is a lonely job. Having a Lieutenant Governor you can trust and work with is extremely important to a chief executive. This bill will allow the voters to make the final decision about whether S.J.R. 3 is in the public's interest.

Senator Atkinson:

Lieutenant Governor Hutchison, do you know how many states elect these two offices this way?

Lieutenant Governor Hutchison:

Twenty-six states, according to the National Lieutenant Governors Association.

Ryan Cherry (Chief of Staff, Office of the Lieutenant Governor):

There are 26 states that elect these two offices jointly in a general election. Colorado is one and South Carolina is in the process of moving in this direction in the next election cycle. Arizona introduced legislation in its house of representatives for a joint ticket, but we do not know the details of that measure.

Senator Atkinson:

Do the candidates both run in a different primary or in the same primary?

Lieutenant Governor Hutchison:

The Lieutenant Governor would not run in a primary. The gubernatorial candidates would run and the winning candidate would complete the primary and be declared the winner for their party. That candidate would have 7 days, or no later than the next Tuesday, to pick his or her running mate who would be the candidate for Lieutenant Governor.

Senator Atkinson:

Would the parties have input on these choices?

Lieutenant Governor Hutchison:

The decision would be with the winner of the primary for Governor, who would likely have input from many different sources. Ultimately, the gubernatorial candidate for each party would choose the running mate.

Bob Miller:

I support S.J.R. 3. From 1987 to 1989, I was Lieutenant Governor of the State. The Governor at that time was Richard Bryan. We did not run as a ticket, but we were both of the same political party. At that time, besides presiding over the Senate, the Lieutenant Governor chaired the Commissions on Economic Development and Tourism. Because Governor Bryan and I had a good relationship, he assigned various duties and additional responsibilities to me. One assignment was chairing a task force studying the May 4, 1988, Las Vegas Valley explosion of the Pacific Engineering and Production Company of Nevada, commonly called PEPCON. Our relationship was a good example of having two individuals trust each other and work together.

In 1989, I became Governor and held that office for the next 10 years. During that time, I had three Lieutenant Governors, the first of which was me, since I was both Lieutenant Governor and Governor. That worked well as I seldom disagreed with myself. The other two Lieutenant Governors were both Republicans—Sue Wagner and Lonnie Hammargren.

Lieutenant Governor Wagner and I had a good relationship with a significant element of trust between us. She had a limited number of responsibilities, which was characteristic of us having not run as a ticket. The latter 4 years of my term with Lieutenant Governor Hammargren were quite a bit different. During that time, the State was uniformly opposed to bringing nuclear waste to the Yucca Mountain Nuclear Waste Repository. While I was at a national governors'

meeting out of state, there was an opening on the Lincoln County Commission. Lieutenant Governor Hammargren decided it was an opportune moment for him to select a person in Lincoln County to fill the vacancy with someone in favor of sending nuclear waste to Yucca Mountain. When I returned, I immediately reversed the appointment, which ended the issue.

The historical role of the Lieutenant Governor is now less involved than when I was a Lieutenant Governor. However, it is to the State's advantage to have a Lieutenant Governor who has run for office with the Governor so the two of them can plot out a course where the Lieutenant Governor could have more responsibility. This way, he or she could be a right hand and replace the Governor in meetings and other activities when necessary. If we bring S.J.R. 3 forward, the voters can decide if this is a better system than the one we have now.

Ed Uehling:

I support S.J.R. 3 but wonder why there is any need for the Lieutenant Governor to collect funds. The Lieutenant Governor is really on the coattails of the Governor. There should not be any need for that candidate to have his or her own funding.

Jim Slade:

I am neutral on this issue because I can see certain advantages and disadvantages of both sides. One issue not raised has a fiscal impact: if the Governor chooses a Lieutenant Governor who just won a primary to run for Senate or who ran unopposed for another office, would there need to be an additional primary at some expense to the State? That should be taken into account with this resolution.

Lynn Chapman (Eagle Forum):

I do not support S.J.R. 3. My vision is that people should elect State officers. I am concerned because we would be voting blind for our State's Lieutenant Governor. We would be voting for a Governor but not for a Lieutenant Governor. That brings up the question of accountability and confidence. We would not know who would be chosen as Lieutenant Governor ahead of time.

Janine Hansen (Nevada Families for Freedom):

I oppose S.J.R. 3. Combined with third parties and nonpartisans, Nevada has more than 375,653 voters who are not affiliated with one of the major parties. Those voters would essentially be disenfranchised in the process of choosing a Lieutenant Governor by not having an opportunity to participate in that important selection. This high State officeholder is someone who as President of the Senate will be in a position to make crucial decisions. It is important for people to have a choice.

Paul Laxalt became the Lieutenant Governor after being the District Attorney in Ormsby County. He was Lieutenant Governor under Governor Grant Sawyer; then he was Governor; then a U.S. Senator. When you think of his legacy, the whole political landscape in Nevada would have been different had Lieutenant Governor Laxalt not been allowed to run back then. We even have an Attorney General in office now who is his nephew.

Voters will often choose a candidate of either party because they have more confidence in that person. The confidence of the people voting is more important than the opinion of the elected officials. It is also important to consider how many people you will be disenfranchising with this new system. The voters will no longer have the opportunity to choose the Lieutenant Governor. This will impact minor parties because it is important for those individuals to run for these offices to maintain ballot position. It is difficult to run for Governor, but it may be more obtainable running for a lower office like Lieutenant Governor. The right of the people to vote for this office is more important than party loyalty.

John Wagner (Independent American Party):

We oppose S.J.R. 3. If 26 states vote that way, that means 24 states do not vote that way. We have one state north of us that does not even have a lieutenant governor. Is the Nevada Lieutenant Governor going to become a clone of the Governor? If so, why not just put a family member in that office? I believe in the ability of the voters to select their own Lieutenant Governor.

John Ridgeway:

I oppose electing Governor and Lieutenant Governor on the same ticket. Each individual office should be elected on its own merit. If you have the two offices on different tickets, so be it. We the people are the ones who choose who we think we need. Too many times there is partisanship—like the national election

for President and Vice President. Sometimes the Vice President is more electable as the Presidential candidate. Keeping them separate gives we the people the most choice.

Howard Watts III:

I oppose S.J.R. 3. I am glad there was an amendment submitted because I was not sure how the process would work. The Lieutenant Governor is the presiding officer of the Senate and has a vote in that body. It is unfair to the democratic process to have someone who is unelected in that position, especially in Nevada where we have had an 11-10 split in that chamber in the last three sessions. This is an office too important to be appointed or anointed.

Under the amendment, the Governor, essentially from Day 1 of filing, can run with two names, two reputations and one-and-a-half times the campaign contributions. I know we do this for President and Vice President in the federal elections, but our process is the most robust for democracy. Sometimes the people will choose a Democrat and a Republican. Unlike other offices where there may be staggered terms of office, these positions are elected at the same time. If people pick candidates with differing ideologies or political parties, we need to respect that. I have submitted written testimony ([Exhibit F](#)).

David W. Carter:

I oppose S.J.R. 3 for many of the same reasons others have expressed. We do not have an idea beforehand who our Lieutenant Governor will be. That presents a possibility of our Governor leaving office to run for higher office while the Lieutenant Governor takes over. If a Governor had a Lieutenant Governor not in the same party, maybe he or she would be more reticent to seek higher office while still Governor. He or she would then be more likely to stay here and take care of the affairs of our State.

Richard Brengman:

I oppose S.J.R. 3 because it seems like a rush to change for the sake of change. What we have been doing seems to be working fine. If by happenstance you have opposing parties for Governor and Lieutenant Governor, then both of those people are going to act very carefully because the other side is watching. That is not a bad thing.

Senator Brower:

I want to clarify some of the earlier testimony. The Lieutenant Governor does not vote to break a tie in the Senate; he or she votes only in procedural matters on actual bills that may end up in a 10-10 tie if someone is missing. The Lieutenant Governor under our rules does not vote.

Gary Schmidt:

I oppose S.J.R. 3. I was a resident of California in 1972 when Ronald Reagan addressed the California Legislature and said that if we do not straighten out this mess of excessive taxing and regulating, people are going to start voting with their feet. I took him up on it and moved to Nevada. The advantage of Nevada is having access to our Legislators. I am a strong believer in limited taxation, reduced regulations and maximum individual liberties and freedoms. I consider one of our liberties and freedoms the right to vote. I oppose any movement to take the vote away from the people and give it to any level of appointment.

One of the fears I have with this resolution is that the Lieutenant Governor could then be selected by a politician and not an elected official. This is a high-profile position with name recognition. In essence, the Lieutenant Governor could become an incumbent without ever being elected to anything. We have a real problem in this State with incumbency and the power of the elected office, and not being responsible and accountable to the people. I oppose this on the basis that the decision of one person will give another person a lot of power and authority. Oftentimes, Lieutenant Governor is used as a stepping-stone to the Governorship or other higher office.

Lieutenant Governor Hutchison:

Amending the Constitution is the ultimate experience in representative government and democracy. This Senate body and the Assembly would have to pass this resolution as the representatives of the people not only once but in the following Session. Then it would go to a vote of the people in 2018. The people themselves will be the ones to decide whether this is a good idea.

Democracy and representative government are certainly enhanced by this process. The proposed changes in S.J.R. 3 would apply to all parties, not just the major parties. If you become a gubernatorial candidate in a general election, no matter what your party affiliation, you would identify your Lieutenant Governor. It is not just the major parties. As for the concern about

more money being involved, there would be less money since the Lieutenant Governor would not be able to raise money in the primary election, only in in the general election.

As former Governors List and Miller said, the voters vote for a Governor with a vision and a philosophy, so if something happens where the Lieutenant Governor has to take some of the responsibility as acting Governor, the continuity of the voters' vision and philosophy is preserved and honored much more under S.J.R. 3.

Senator Atkinson:

One of the testifiers posed the question of why both the candidate for Governor and Lieutenant Governor are allowed to raise money for the general election after the primary.

Lieutenant Governor Hutchison:

In the last election when I ran for Lieutenant Governor, both Governor Brian Sandoval and I were able to raise more money since I could raise money in the primary. If we had been under this proposed resolution, I would only have raised money for the general election and been limited to \$5,000.

Senator Settelmeyer:

Would this resolution preclude a gubernatorial candidate, after winning the primary, from choosing someone of a different political party?

Lieutenant Governor Hutchison:

No, it would be up to that candidate whom to choose. It would be the first public decision and choice that person would make, and it would be a good test to show his or her philosophy and vision.

Chair Farley:

I will close S.J.R. 3 and open the hearing on S.J.R. 1.

SENATE JOINT RESOLUTION 1: Urges Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. (BDR R-451)

Senator Pete Goicoechea (Senatorial District No. 19):

The Nevada Land Management Task Force created by A.B. No. 227 of the 77th Session did a yeoman's job researching the proposed congressional transfer of public lands to the State.

The 132-page report, *A Report of the Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands: Congressional Transfer of Public Lands to the State of Nevada* ([Exhibit G](#)), details data the 17-county Task Force uncovered in 18 months. Phase 1 of the report calls for Congress to transfer 7.2 million acres of federal land back to the State. These lands include the Bureau of Land Management (BLM) checkerboard lands that are inventoried by BLM for disposal, rights-of-way, Recreation and Public Purposes (R&PP) Act leased lands, geothermal zones and solar zones. These lands are already for sale by the federal agencies. We are requesting that they be reverted to the State for disposal. There are at least five other states following Nevada's lead with public land transfer requests. We are hoping this resolution will be accompanied by other resolutions from other states.

Some say the State cannot manage these lands, but I disagree. When you look at the federal agencies' management of these lands, they are being managed at a deficit. We cannot afford that. We have a \$17 trillion debt in this Country. The State of Nevada could have the opportunity to show in Phase 1 that we can manage those 7.2 million acres at a profit. Those profits would then fund our education system.

We can handle the fire management. The BLM will tell you that the checkerboard is problematic to administer. We want the State to have the opportunity to manage those lands. If the State takes over the proposed 7.2 million acres, which is approximately 10 percent of the public lands in the State, we will still be second only to Alaska for the percentage of public lands managed by the federal government.

Lieutenant Governor Hutchison:

These lands we are talking about are not U.S. Department of Defense lands, national conservation areas, national monuments or wilderness areas. These are largely BLM-managed lands, most along the State's railroad corridor—the checkerboard—and already identified as appropriate for disposal.

What would be the effect if the federal government transferred that 7.2 million acres to the State? The Task Force identified that the proceeds from that land would be limited to public education for the most part—kindergarten through Grade 12 education, higher education, specialized education and mental health services. These are things we have been talking about this Session that require more revenue.

Nevada is unique in that roughly 85 percent of the land within our State is owned by the federal government. This is only part of the problem. We have very limited state trust lands, which is land that states can use largely for education purposes. Nevada has 2,900 acres of state trust land while Arizona has 9.3 million acres; New Mexico has 8.9 million acres; Utah has 3.4 million acres; and Idaho has 2.4 million acres. This is relevant because the revenues from those state trust lands are used to help fund a state's education system. What if we had 7.2 million acres of state trust land like those other Western states? Based on the Task Force report, [Exhibit G](#), we would have between \$56 million and \$205 million annually to earmark largely for educational services.

Assemblyman Ira Hansen (Assembly District No. 32):

My district covers 38,000 square miles in seven counties. I am an active and avid sportsman and spend a tremendous amount of time in the backcountry of this State. I have made my living as a fur trapper for 40 years, almost all of that on the public lands in Nevada. I have witnessed a slow but consistent encroachment on the right of people to access the public domain by the BLM and the U.S. Forest Service (USFS).

Many people against this resolution may believe we will be denied access if we transfer these lands to State control. In reality, the access is consistently being choked off by the federal land management agencies. As a sportsman, my No. 1 concern is to maintain access to public lands.

It is important for the public to know that this report, [Exhibit G](#), is available and addresses virtually all the issues brought to our attention by concerned citizens. The concerns from the opponents of this bill are also addressed in this report. For example, the issue of whether the State can afford to fight fires on these lands, or how much of the land is going to be put up for sale.

Chair Farley:

What I have heard from people is the fear of the land being transferred and then sold off. There is no guarantee that will not happen. Can you address that issue?

Senator Goicoechea:

Clearly, it would be beneficial for some of these lands to be sold. The checkerboard, for example, should be blocked up and purchased or become land transfers to create bigger blocks of state land versus private land. The checkerboard, every other section for 10 miles on either side of the railroad, is private versus public land. It is a big swath right through the State. Some of the excluded lands—the military land, the land designated Area of Critical Environmental Concern (ACEC)—have congressional actions going on right now—even for the airport in Clark County, requesting that the BLM transfer those lands to Clark County.

There are 58 schools in Clark County built on land designated R&PP. How you spend bond money building a school on property you do not own is beyond me. We are asking for those lands. Why should Clark County spend money for aggregate withdrawal, rights-of-way or R&PPs when in fact it is a county within Nevada under State jurisdiction. Clearly, that land title should be transferred to the Clark County School District (CCSD). Instead of costing taxpayers money to maintain those lands, they would become State lands and therefore assets of Clark County. In some cases, the land might get blocked up, but the lands are already inventoried for disposal and could be sold today by the federal agencies. How is that a withdrawal if it falls to the State's hands?

Senator Atkinson:

Where did the report come from, who chaired it and what was the time frame covered in gathering the data?

Senator Goicoechea:

The report, [Exhibit G](#), was authorized by A.B. No. 227 of the 77th Session. The original bill had a fiscal note, calling for a representative from every county to comprise the Task Force funded by the State. There was not enough money, so the Nevada Association of Counties (NACO) and the 17-county jurisdictions each sent a representative to work with Mike Baughman, from Intertech Services Corporation, who was contracted to do the report. The

17 representatives from the counties reported what lands they needed from their jurisdictions and what each county thought was reasonable.

The report, commissioned by the Legislative Committee on Public Lands, also delved into how other states—Arizona, Idaho and New Mexico—have treated this issue. From that study, we could then extrapolate that if we had a public land transfer in Nevada, we could generate a certain amount of dollars from sources including oil and gas, geothermal energy, etc.

In Tonopah, we had a meeting and anticipated we would accept the report through the Public Lands Committee, but in the end, it was not considered by the Public Lands Committee. This is why you see the big list of sponsors for this bill—because most of us sat on that Committee and immediately came here and requested the bill that day from the Legislative Counsel Bureau.

Senator Atkinson:

Who was on the Legislative Committee on Public Lands?

Senator Goicoechea:

There were four Senators, three Assemblymen, one Assemblywoman and one county commissioner. I went to Washington, D.C., several times with this Committee.

Chair Farley:

Can you also clarify who was on the Task Force that generated this report, [Exhibit G](#)?

Senator Goicoechea:

Every county was represented. Each county identified lands to be reasonably withdrawn from federal management and put into State hands. That is how we came up with the 7.2 million acres. The Task Force did a great job, picking lands that will truly bring revenue to this State without a major impact.

Senator Settelmeyer:

The 2013-2014 Legislative Committee on Public Lands consisted of: Assemblyman Paul Aizley, Senator David R. Parks, Senator Aaron D. Ford, Senator Pete Goicoechea, Senator Donald G. Gustavson, Assemblywoman Maggie Carlton, Assemblyman John C. Ellison, Assemblyman Ira Hansen and Tom Collins, Clark County Commissioner. They set forth the Task Force, which

was made up of representatives from each county in Nevada, and each county had to pay its own way to the meetings.

Senator Goicoechea:

We brought the project forward as an interim study through this body, but we did not have the money to fund it. I believe the request was for \$350,000. Instead, NACO and the individual counties on their own dime hired the consultant from Intertech Services to compile this report. Other states, including Idaho, Utah, Arizona and Montana, are going the same route with public lands, following Nevada's lead. Our counties spent tens of thousands of dollars of their own money to generate this Task Force report, which was released in August 2014 to the Public Lands Committee.

Assemblyman Hansen:

Just to reiterate, the concern people have been raising about open access to the public domain is my No.1 concern, too.

Assemblyman John Ellison (Assembly District No. 33):

I represent Elko, Eureka and White Pine Counties down to Caliente in Lincoln County, so my district covers almost half of the State. I worked with Senator Goicoechea and Assemblyman Hansen on A.B. No. 227 of the 77th Session. We met with several Western states to gather information about the issue. Over the last 15 years, we have been trying to acquire lands west of Elko so we can expand the city. Other small rural counties have had the same problem. If city officials want to expand the town, it could take 10 to 15 years when the city is landlocked. We have spent a lot of time in the last 2 years trying to get this measure through.

Demar Dahl (Chair, Nevada Land Management Task Force; Board of Commissioners, Elko County):

Since there have been questions about the Task Force, I want to clarify that it was made up of one representative from each county in the State. We had a good group of people willing to work and travel for our monthly meetings, starting in June 2013 and ending in August 2014. As Chair, I made four reports to the Legislative Committee on Public Lands. When we began, I suggested that we gather as much information as possible from many people in the State before we started voting on issues. After each meeting, we would each go back to our commissions as county commissioners and invite people with an interest in this issue to come hear our report.

When we started this process, about half the members of the Task Force either thought it was not a good idea to transfer public land to the State or were not sure. We all learned there was great benefit to becoming educated on the issues and to project what would be involved in a potential transfer from federal to State ownership. We talked to experts from all over the State and to the stakeholders from all sides of the issue.

In March 2014, everyone on the Task Force wanted to vote, choosing several issues important to the transfer. The result was unanimous in favor of the transfer. We had previously decided not to vote on anything while we were in the process of gathering information. We went back to our counties and asked for a vote from each county whether to support the report, and it was again unanimous. As we went along with this process, we were in agreement as to how it should take place—specifically, how the land should be managed after the transfer. We wanted to make sure all the multiple uses were transferred to ensure that anything a member of the public could do on the public lands now would still be available to them after the transfer. We wanted the land to remain public and to make sure it would not be sold. We determined those parcels that should be sold are those already designated for disposal by the federal government and the areas in the railroad corridor, the checkerboard.

There are ten states working on this kind of transfer. I am familiar with what each state is doing. All ten are in line with what we are saying—they do not want to see No Trespassing signs or have the traded land sold. Instead, they want the multiple uses to all transfers with the land.

Mike Baughman, Ph.D. (President, Intertech Services Corporation):

I prepared this report, [Exhibit G](#), for the Nevada Land Management Task Force through Intertech Services Corporation for a contracted \$69,000. The work was the result of the Task Force recommendations which were largely based on the economic analysis in the study. I have a presentation ([Exhibit H](#)) to clarify our process. The map of Nevada on page 2 illustrates the fact that our State has the highest percentage of federal land ownership in the Country.

Page 3 shows the lands to be excluded from the transfer: wilderness and national conservation areas; lands administrated by the U.S. Departments of Defense, Energy and the Interior, which includes the Bureau of Indian Affairs, U.S. Fish and Wildlife Service and National Park Service. These are all national assets, most identified by Congress.

Page 4 of [Exhibit H](#) lists the lands recommended for transfer in Phase I of the transition. The land total is 7,281,074 acres and all are identified by BLM as “suitable for disposal.” These are lands BLM indicates it should not be managing and would be better off in private ownership. Of the eight categories of recommended lands, two were recommended by Scott Higginson, who came to the Task Force in December 2013 indicating that Clark County had approximately 35,000 acres of both BLM R&PP leases and BLM Right-of-Way (ROW) grants on which public facilities sit. These lands are in Clark County, Clark County School District, Clark County Regional Flood Control District and a variety of other entities.

We indicated this class of land needed to be transferred to the State and subsequently deeded to Clark County. A BLM R&PP or ROW grant is typically for a single purpose initially requested and granted. If you elect to change the use of that land, you must get authorization to change the use. County governments and other organizations have found that process to be cumbersome, however.

On that same page, the BLM split estate lands, numbering around 300,000 acres, refer to situations where the BLM owns the surface and other parties may own the subsurface. More than likely, it is a situation where a party—the State or local government—owns the surface and the BLM owns the subsurface. This does pose complications in land management and use. The Task Force’s idea is to change all those lands classified as split estate to single ownership.

When it comes to BLM-designated solar energy zones, page 4, these 60,395 acres are assigned by the U.S. Secretary of Interior. There is one solar energy zone each in Nye County, Clark County and Lincoln County; there are two in Esmeralda County. These are areas BLM has designated as preferred places where utility-scale solar energy development should occur. The BLM anticipates leasing these areas over time and having them developed for solar energy. Those areas will not be multiple-use but will be solely for solar development. The process to get into one of these areas to develop solar energy is cumbersome. The Task Force logic was that if given the opportunity, the State could probably provide these lands to energy companies on a more expeditious basis and get a quicker investment in renewable energy in our State.

I have worked with economic development and renewable energy companies, and they have large footprints, particularly solar energy. When representatives come to an area, the first request is to see a site on private land. The second is to see a site on State land. The third is to see a site on BLM land—usually the last choice because it takes more time and money to work with that agency.

Approved and proposed congressional transfers of BLM land, which comprise 250,000 acres in the State, have already been identified in existing federal statute or proposed statute to transfer to state or local governments. For example, in Lincoln County, the Lincoln County Land Act and the Lincoln County Conservation Recreation and Development Act authorized BLM to sell up to 90,000 acres. That bill was passed in 2004. As of last year, BLM had only disposed of approximately 2,000 acres.

Page 5 of [Exhibit H](#) illustrates the checkerboard lands along the railroad across the State. The idea with this plan is to further consolidate those lands and make them available for a variety of beneficial uses. We had major landowners from the checkerboard lands come before the Task Force and testify about problems with that region. There are no federally designated wildernesses or wilderness study areas there. It is strategically located along the railroad and interstate highway system.

Senator Atkinson:

Since we are only meeting for an hour, it is important that the opposition be heard. This slide presentation is taking too much time. I just want to make sure the folks I have been hearing from prior to today's meeting have the opportunity to be heard.

Chair Farley:

This gentleman has put quite a bit of work into this report. My concern with having him speak was to provide a platform of information for everyone to hear so our questions would have some background.

Mr. Baughman:

We are boiling down 18 months of work into 20 minutes, but I will hit the high points. The important question is how do we make this work? Nevada has 3,000 acres of state trust land, which is very low, so we cannot use our state trust lands as a model. The states around us—Idaho, Utah, Arizona and New Mexico—are like us in having arid rural areas with a high percentage of

public lands. We used those four states as a surrogate, examining 5 years of data from 2008 through 2012 to distill that data on page 7 of [Exhibit H](#). From that data we discovered that in every case, our sister states generate net positive revenues for the use of their state trust lands.

Page 8 of my presentation, [Exhibit H](#), shows the income New Mexico generates from state trust lands and where that money went in 2012. New Mexico is the largest generator of net revenue among those four states, sending much of that money into its education system.

Using the data from all four states, we estimated how much revenue Nevada could potentially generate. We looked at the four-state average from two perspectives: net revenue per acre, which was \$28.59; and the highest observed expense per acre minus the lowest-observed revenue per acre, which was \$7.78, as illustrated on page 9 of [Exhibit H](#). This gave us a total of \$56 million to \$205 million in potential revenue from Phase 1 of the transfer, which would encompass more than 7.2 million acres.

During Phase 1, the State would be given an opportunity to demonstrate that it can manage these public lands, which could then be collateralized and monetized, page 10.

Revenues from the transferred lands would then be held in a permanent trust fund, already established in the State, page 11 of [Exhibit H](#). Those monies would be used for purposes defined by the Legislature.

In [S.J.R. 1](#), a provision specifically addresses all existing access. The Committee challenged the Task Force to determine a way to finance this endeavor without going into the General Fund. On page 14, a business plan directs the State to collateralize the transferred 7.2 million acres or a portion thereof. The estimated expense required to manage these lands in the first year would be an average expense of \$3.73 per acre based on expenses from the other states. That expense included firefighting costs. To repay that, the disposal of up to 30,000 acres would be required at an average cost of \$1,000 per acre, which could be higher in the urban areas.

Senator Atkinson:

Who contributed the \$70,000 for the cost of the report?

Mr. Baughman:

Each of the 17 counties contributed.

Senator Atkinson:

Where did the recommendations come from, and who was on the Task Force?

Mr. Baughman:

The recommendations came from the county representatives who are listed in Appendix B of [Exhibit G](#).

Senator Atkinson:

What is the top revenue source for BLM?

Mr. Baughman:

In Nevada, it is land sales. After that, it is leases.

Senator Atkinson:

How can we be sure these public lands will not be sold after the State takes over?

Mr. Baughman:

That is up to you folks, the Legislature. Of the other states we looked at, Arizona is most similar to us. We are the most urbanized state in the union. In Arizona, much of the revenue comes from land sales. That state sells about 9,000 acres in a big year, deriving a lot of revenue because that land is being sold in the Phoenix or Tucson metropolitan areas, which could be similarly done here in the Las Vegas and Reno/Sparks metropolitan areas.

Jeff Fontaine (Executive Director, Nevada Association of Counties):

We did support A.B. No. 227 of the 77th Session to create the Task Force and we support S.J.R. 1. The management of public lands in Nevada is in reality managed by all our counties, especially those that have extensive public lands. Their local economies, fiscal conditions and quality of life are heavily influenced by federal land management decisions. We hear from county officials in the State who are concerned about the various policies and lack of resources at the federal level and whether the federal agencies can restore and maintain the health of the public lands within their county boundaries.

Senator Atkinson:

Can you explain the firefighting aspect of the State accepting ownership of these lands?

Mr. Baughman:

I can give you the short version. It is in the report, [Exhibit G](#), on pages 17 through 21 and in Appendix G. We worked with the State Division of Forestry and concluded that if the State obtains another 7.2 million acres, it would budget 32 cents an acre, which comes to around \$2.3 million for the first year. That is just the cost of budgeting to fight fires, not the cost of fighting fires. Obviously, the full 7.2 million acres is not going to burn up in Year 1. Nevada has wildfires and some of them are big; but in general, most of the fires in the State are small. This proposed transferred land is accessible, so the trick to fighting fires on public lands is rapid attack.

Senator Atkinson:

Is there a plan for wild horse management in the report?

Mr. Baughman:

Yes, on page 35. The report indicates it is not the intent to pursue the transfer of any wild horse and burro Herd Management Areas (HMA) during Phase 1. In subsequent phases, it is possible a HMA could be transferred. A provision in the federal statute allows BLM to enter into a cooperative agreement with the State or parties to manage wild horses on a cooperative basis. If an HMA was transferred to the State, it is envisioned that the State would enter into an agreement with the federal government to jointly manage those resources.

Neena Laxalt (Nevada Cattlemen's Association):

We support [S.J.R. 1](#).

Steve Walker (Board of Commissioners, Eureka County):

We support [S.J.R. 1](#). I have submitted our statement ([Exhibit I](#)).

Jerrie Tipton (Board of Commissioners, Mineral County):

I was a part of this Task Force. For 30 years to 50 years, some lands in Mineral County have been identified for disposal, but nothing has been done. About 20 years ago, a landowner from Gabbs told the BLM he wanted to put some land in Mina, which is the back side of beyond, up for disposal. He agreed to pay for the environmental impact statement, the National Environmental

Policy Act of 1969 (NEPA) documentation and the commercial appraisal so he could buy that land. He was planning to develop an airstrip on what is now BLM land already identified for disposal. He got a letter back saying the land was not worth enough money, but if he wanted to buy public land, he could buy at Mesquite because that land was ready to sell. If a company wanted to develop land in Mina 20 years ago, it sure would not look like it does now and Mineral County would have a different complexion.

My biggest concern over this issue is the multiple-use access if this transfer takes place. If there is more than Phase 1, what statute will guarantee that the multiple uses and public access we have enjoyed for a century will remain?

Lynn Chapman (Independent American Party):

We support S.J.R. 1. It is a great beginning because we should be on the same footing with all the other states.

Ben Griffith (Comstock Mining):

We support S.J.R. 1.

Ms. Hansen:

We support S.J.R. 1 because it is time Nevada stopped being a territory of the federal government and stepped up to be a full State like those states east of Colorado. We support the report and feel this transfer will help immensely with our economy and our tax base. We need jobs in the rural communities. A county commissioner in Lincoln County told me officials there had been trying to develop a mine for 10 years, but because of the federal red tape, they could not get the jobs needed in that county. This is a jobs bill for the State.

Mr. Brengman:

I support S.J.R. 1, but it does not go far enough and is 20 years late. The federal government is incapable of processing anything. Nevada has to get control of this land. I have submitted my notes ([Exhibit J](#)).

Terry Sullivan:

I support S.J.R. 1, and have submitted my written testimony ([Exhibit K](#)).

Ramona Hage Morrison:

I support S.J.R. 1. My family has been in litigation with the federal government since we bought a ranch in central Nevada in 1978. We have spent more than

35 years defending property rights there with the USFS and BLM as they have tried to run us out of business. Since my family had our cattle confiscated in 1991 at gunpoint, one thing I am most concerned about is the militarization of these federal agencies. They have no general grant of law enforcement authority through any law of Congress. All civil and criminal jurisdiction has been reserved to the states in every land law passed by Congress.

We now have a situation where federal employees conduct law enforcement actions on a routine basis for everything from ticketing people in school zones in Ely to surrounding one ranch and family with 200 snipers and federal agents. We reached a dangerous point in this State last April. We have a broken system. It needs to be fixed. I have submitted my written testimony ([Exhibit L](#)).

Bob Clifford:

I support S.J.R. 1. Nevada is under siege from BLM right now. There are four Resource Management Plans (RMP) in progress. One RMP in the south will put 3 million acres in Areas of Critical Environmental Concern, which basically reclassifies that land as a wilderness area where access goes away. In the Carson Ranger District near Fallon, where I am from, the BLM is taking significant rights away from citizens—access, mining, etc. It is part of what the judge in the Hage trial found—a systematic effort on the part of the BLM to eliminate grazing and public access little by little over a long period of a time. This bill is a great first step, but it almost does not go far enough. I went to a majority of the Task Force meetings and they were well-considered and thought-out.

Senator Atkinson:

It is my understanding that the federal government treats land as assets with no monetary value. Is it your understanding that these lands would be given to our State at no cost?

Mr. Clifford:

That is what was promised when we entered the union.

Chair Farley:

We will get some clarification on that.

Jim Falk:

I worry about this Country that advertises liberty and justice for all. I recently watched *Doctor Zhivago*, and the actions of the fledgling Soviet Union intimidating and pushing around the citizens reminded me of the federal agents harassing the Hage family and invading Cliven Bundy's ranch. I support S.J.R. 1 and have submitted my written testimony ([Exhibit M](#)).

Mr. Ridgeway:

I live in Las Vegas and support S.J.R. 1. Page 1 of the bill mentions the enabling Act. An important part of that 1864 Act of the U.S. Congress states "shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever." In our State Constitution, the last part of that Act, "in all respects whatsoever" is left out. These operative words are very important. This is going to wind up in Congress. A few cases will end up in the U.S. Supreme Court, so we need that phrase in the bill.

Mr. Uehling:

I support S.J.R. 1 but can understand opponents who are scared of the State having control of the land, given the scandalous way the airport in Las Vegas dealt with the 5,000 acres it was given by the federal government. It was a corrupt process. The *Constitution of the United States of America* provides that the federal government should only have lands it needs, the "needful lands."

When any state is created from a territory, the legal mechanics are that the federal government clears the title and therefore takes title to the land. It is supposed to turn land over to the state. Every state has had a problem with this. All the states east of Colorado have been able to wrestle the lands from the federal government. It is just a matter of time before the states out West get rightful control of their lands.

Much has been made about how the State will manage the lands. The federal government is not a good manager of the land. It uses the same 7 million acres to help create wars all over the world. It has turned huge tracts of land over to mining companies that have been allowed to come into the State, tear up the land and walk off. Nevada is sitting on the third-richest gold deposit in the entire world and neither the State nor its people benefit from this resource. The state of Alaska sends checks to its residents for the oil extracted from that state. Nevada is way behind. We need these lands to operate.

Alisa L. Bistrek:

I live in North Las Vegas and support S.J.R. 1. There was testimony that some lands designated wilderness and ACEC would be excluded from transfer, but just because that land is designated as restricted now does not mean this is the best choice for the land, the animals or the people. We are facing additional restrictions to the tune of another couple of million acres in southern Nevada, and a lot of it is unnecessary. The desert tortoise does not need ACEC land.

I understand this proposed transfer plan is in increments over 10 years. We are all probably more in agreement than we realize. We may disagree on how to go about doing the things we are passionate about. I am a rancher's daughter. Growing up, we handled the factors of conservation and living on the land. This bill is a good start. I have submitted a proposed amendment ([Exhibit N](#)).

Linda Sanders:

I am from North Las Vegas. I support S.J.R. 1 because it is constitutional and sounds like common sense.

James Combs (Nevada Farm Bureau):

I represent the largest organization in Nevada representing farmers and ranchers, and we support S.J.R. 1. We have nearly 18,000 members in the State. We have policy that comes from the county level and is then set by our members. We bring these ideas to the State convention to formalize. Our members work around this environment on a daily basis. They feel they could work better with the State Legislature than with the federal government.

Juanita Clark (Charleston Neighborhood Preservation):

We support S.J.R. 1. I have submitted my written testimony ([Exhibit O](#)).

Jim Sallee:

I have lived in Nevada for 51 years and worked for the City of Henderson for 29 years as a survey and right-of-way agent. I obtained R&PP leases from the BLM for flood control and road rights-of-way. I always felt the City should have the right to the land and not just get a lease on it. I strongly support S.J.R. 1.

Alex Ortiz (Clark County):

We are neutral on S.J.R. 1 but have an amendment ([Exhibit P](#)) to propose on behalf of the Clark County Department of Aviation.

Peggy Lear Bowen:

I am neutral on S.J.R. 1. The federal government has not handled things well regarding land and the State. My advice is if you ask for something, prepare yourself to truly govern and represent the people and let us come to you with questions. Have the infrastructure in place for how you are going to handle this responsibility. Do not play catch-up with what you ask because you are asking to make our State whole.

Peter V. Bradley:

I am representing my family in Elko in opposing S.J.R. 1. I cannot tell you how lucky my family feels to live in a State that remains open and free. Please try to talk some sense into those members who would give away our public lands for a song, not to mention personal gain and even a tidy profit. Nevadans have an obligation to future generations and to all of the citizens of our Country to help preserve our Nation's last open space. We have an equal obligation to preserve the wild landscapes upon which our remaining wild species so desperately depend. I have submitted my written testimony ([Exhibit Q](#)).

Kyle Davis (Nevada Conservation League):

I oppose S.J.R. 1. We understand there are concerns with the way agencies manage lands or any type of resources. This happens whether we are talking about federal agencies, State agencies, local agencies or bistate agencies. That will not change no matter where we put the responsibility of managing these lands. The biggest concern we have is that we cannot afford to do something like this. It would bankrupt our State.

Proponents say we are only talking about Phase 1 as it reads in the resolution, which would include checkerboard lands and lands slated for disposal. At no point did they really talk about what we see on page 3 of the bill, starting on line 26, where it references "within 10 years after the initial phase, the following public lands should be transferred in subsequent phases:" These properties include lands administered by the BLM, USFS the Bureau of Reclamation of the Department of the Interior, and "any other federally managed and controlled lands in this State" That is a lot more land than what we are talking about here in Phase 1.

We want to fix land management issues. We admit the checkerboard is a headache to deal with and not easy to manage. We also need to recognize areas in the checkerboard that are valuable and would be best kept in public rather

than private hands. This resolution and the report that accompanies it essentially call for selling this first phase into private hands to finance the effort. A better use of our time would be to place some of the land management challenges into a proposal that gets through Congress. In the last Congress, we were able to pass legislation that benefitted Lyon and Humboldt Counties by creating jobs and protecting important areas.

The Task Force report, [Exhibit G](#), references BLM's 5-year numbers, but this is 5 years of revenue and only 4 years of expenses. The report indicates the BLM loses approximately \$30 million a year managing public lands. When you take out the one year with only half of the data, the loss is closer to \$54 million a year. It is not clear from the report what those expenses are.

Regarding fire costs, the report relied on an averaging of State fire costs rather than federal costs, which average around \$25 million per year for BLM, or \$8 million to \$25 million per year for USFS. The 2013 Carpenter 1 fire on Mount Charleston near Las Vegas was a \$25 million fire. I do not know what our State would do if we were forced to finance the cost of a fire like that.

The other issue to look at is revenue. The Task Force report takes the average of state trust lands in four other states and assumes we can also make similar profits. When you look deeper into those numbers, you see that most of that revenue comes from oil, gas, coal, timber and land sales. We do not really have oil, gas, coal or timber resources, so that leaves land sales. This is what the opponents of this resolution fear—land sales into private hands that would reduce or eliminate access.

The Task Force assumes that land sales in Phase 1 would be priced around \$1,000 per acre, but it is unclear where that figure comes from. I have talked to people interested in parcels of land from the checkerboard, but they say that even \$500 per acre would be too high. Consider also that development requires water. We do not have a lot of water in Nevada; it is one of our biggest challenges. For a vast amount of land to create economic development, you have to have water, but that is scarce.

The federal agencies manage a lot of land and are subject to laws governing that management. Those agencies must also balance the issue of multiple use. Sometimes this is very difficult, like with a mining project or a wilderness area. There can be a lot of litigation. Environmental laws governing clean water and

clean air still apply. We have to consider the Endangered Species Act of 1982 when looking at a potential listing of the sage grouse, something we are all working hard to prevent. If that happens and the State owns the land affected by that listing, the State is then on the hook for the cost of complying with that law.

I have spent time on public lands in every county in this State—hunting, fishing, camping, rock climbing, caving and fishing. There are so many things to do here that make our State great. We had state trust lands at one point. We do not have many now, because we sold almost all we had that was granted to us at Statehood. That is our fear with S.J.R. 1—that we could not balance the State budget due to expenses I just discussed, and the only way to balance the budget would be to sell these transferred lands. That could potentially restrict public access. Even if you keep some of the land public, what we see in many other states is that access through private land to the public land is not allowed.

Even recent history tells us that when we have trouble balancing our budget, we look at methods like this. Today, the Senate heard Assembly Bill (A.B.) 15, which seeks to finance the Stewart Indian School by selling off some Clear Creek property.

ASSEMBLY BILL 15: Creates the Account for the Protection and Rehabilitation of the Stewart Indian School. (BDR 18-360)

We all want to preserve the Stewart Indian School, but should we sell State resources to balance the budget? Only a few years ago, the State considered selling public buildings and leasing them back to the State to fix a short-term budget shortfall. We are concerned that this 7.2 million acres, if transferred into the State, would be sold to balance the budget.

Chair Farley:

Have you talked with the people behind this resolution? You raise good issues that have not been answered by the Task Force report, [Exhibit G](#).

Mr. Davis:

I was involved in A.B. No. 227 of the 77th Session and the Nevada Land Management Task Force. I have worked with many of those people on several issues—some on the same side and some on opposite sides. My organization did present to the Task Force; unfortunately, the final product is not something

we can support. We want to find solutions to some of these issues and will work with this Committee.

Senator Atkinson:

This all sounds like a costly endeavor. The State is approximately 85 percent public land, and this proposition is for the State to take over 10 percent of that land. Would those lands undergo environmental analysis before being transferred? If so, who would pay for that?

Mr. Davis:

How these lands will be disposed of and who does the environmental review, surveys and other assessment work is unclear. In some cases, the lands may already be more prepared for disposal. In other cases, those reviews have not been done. In addition to some of the valuable resources in the checkerboard, some lands slated for disposal under current resource management plans are in areas that, in retrospect, should not have been included.

Tule Springs in southern Nevada is a great example. Originally, that area was slated for disposal and would have been a housing development. Fortunately, we now have Tule Springs Fossil Beds National Monument on that site. Additionally, about 1,000 acres of land slated for disposal near Red Rock Canyon National Conservation Area would impair that resource's value if developed.

Senator Atkinson:

Do you know if anyone has had a chance to examine any lands that are contaminated, like an abandoned mine, for example? Would the State be liable to pay for the cleanup if the land was transferred?

Mr. Davis:

I am not sure if lands for transfer in Phase 1 have been used for industrial development or mining. It is unclear in terms of exactly what lands we are talking about.

Larry Johnson (Coalition for Nevada's Wildlife):

I oppose S.J.R. 1. Lands to be transferred in Phase 1—existing BLM right-of-way grants, BLM-designated solar energy zones, existing BLM geothermal leases—are not lands BLM has slated for sale. These are rights-of-way and leases. As such, they are subject to the requirements of the

federal NEPA laws to seek public input on any development or manipulation of these lands. Once they become privatized, Nevada has no such system.

We need that level of scrutiny because a number of the geothermal leases are on critical sage grouse habitat. Once these lands are privatized, the Department of Wildlife no longer has wildlife management authority over those lands. We have significant concern over this issue.

The funding portion of this proposed resolution is also of concern since we do not have coal, oil or timber to bring in revenue. This leaves only one revenue possibility, which is land sales. If that happens, we lose access and the ability to manage wildlife on those lands. We have no assurance, regardless of the verbal intent of this resolution, that significant lands will not be privatized.

In the discussion of firefighting, the figure of \$2 million was mentioned by the Division of Forestry. In 1999 and 2001, we burned more than 1.6 million acres of rangeland, which is vital wildlife habitat in the State. Someone said our fires are normally small. Not so. Our fires are giant. We have had many fires that burned more than 100,000 acres, and firefighting costs ran into the many millions of dollars. That puny budget of \$2 million would be expended in just one of those major fires.

It was said that wild horse management involved cooperative agreements between BLM and the State. We have a good example of wild horse management by the State Department of Agriculture in the Virginia Range. If you want to see the biggest moonscape, a hammered-out piece of rangeland in the entire State, that is it. Our wild horses are probably 100 percent over appropriate management level, and they have encroached significantly into many of these areas of the checkerboard. How is the State remotely prepared to deal with that when it cannot deal with the small mountain range it manages now?

Specific issues such as the checkerboard land could be better resolved by county land bills passed through Congress. Towns can be granted lands to grow and develop while important outdoor recreation areas can be consolidated and protected by a combination of sales in exchange.

Finally, many of us call Nevada our home because of the high percentage of public lands here. I fell in love with this State 48 years ago. I chose to live here.

Many of us chose this place to live, build our businesses and raise our families, spending our salaries in the State of Nevada. We do this because of the incredible outdoor possibilities. Help us preserve it.

David von Seggern (Chair, Sierra Club, Toiyabe Chapter):

I am against S.J.R. 1. My organization's motto is "explore, enjoy and protect the planet," so no wonder our members love public lands. These public lands are a serious business and the Outdoor Industry Association estimates this resource generates around \$16 billion a year for Nevada in direct and indirect income.

I was interested to hear Lieutenant Governor Hutchison say the Legislature has not put any funds into the study. The Legislature handed it over to the counties. If the Legislature cannot find funds to do this important study, is it going to find funds to manage these transferred State lands? I am not sure the Task Force that worked on this report, [Exhibit G](#), was a balanced representation of our State. We are the most urbanized State, and yet the Task Force was dominated by 14 rural counties. There were only three urban counties. I am not sure it represents the man or woman who travels to the public lands from an urban area on the weekends. I have submitted my written testimony ([Exhibit R](#)).

Senator Atkinson:

Who is on the hook for maintaining these lands once they go from public to private ownership? Is it the Nevada taxpayer?

Mr. Davis:

If these lands are transferred to the State, they would be Nevada's responsibility. Where the funding would come from is a big question based on the revenue numbers we have been given. Yes, it would be the taxpayers of Nevada who primarily live in Clark and Washoe Counties. There would be rural input as well.

Tina Nappe:

I do not support S.J.R. 1. Before the end of the Session, look at what steps can be taken to inform us about what can be done to increase the management of these resources at the State level, including looking at the checkerboard land. I have submitted my written testimony ([Exhibit S](#)).

Ed DeCarlo:

I oppose S.J.R. 1. As a retired U.S. Forest Service Lands Officer in the Carson Ranger District, I have insight regarding land tenure. When Nevada entered the union, it had access to sections 16 and 36 of every township, like our neighbors California and Oregon. Utah and Arizona entered the union later, and they got four sections in every township. Public lands are sacred to me. I see this resolution as a threat to part of my estate.

Regarding the states east of Colorado, those states were settled, as was a lot of early Nevada, under the Homestead Act of 1862. There is no federal land in Iowa because Iowa produces a lot more feed per acre than Nevada. These lands left here are our heritage and they have incredible value.

I want you to recognize how precious these lands are for clean air, clean water, playgrounds, ski areas, communication sites and more. In 1960, there were only 10,000 acres in the Carson Range. There are now more than 110,000 acres. That was all done with land exchanges with BLM, using receipts to acquire the rest of the Carson Range from willing sellers. It is a heritage. We eventually lost the availability of suitable lands because no one was willing to sell. Take stock in this track record we have had in land adjustments and reconsider S.J.R. 1.

Shaaron Netherton (Executive Director, Friends of Nevada Wilderness):

I am speaking on behalf of our 6,100 supporters, both in Nevada and other states. Public lands in Nevada are a heritage for all Americans, not just Nevadans. We are talking about giving away lands that do not belong wholly to the people of Nevada. When Nevada became a State, we received the opportunity for 4 million acres which has since been cherry-picked down to 2,900 acres. That is a lot of land sold off. That track record concerns us.

We have talked about fire prevention and firefighting costs, but what about after the fires? When it comes to the restoration and seeding, planting of seedlings—who bears that cost and where is it in the plan? My organization donates time to these restoration projects, seeding, planting, pulling noxious weeds and giving back to the community. We understand management can be better. We know we can find commonsense solutions as Nevadans.

I do not know if people really understand how complex the land ownership is in the checkerboard area. Consolidation would involve so many people, leases, mining claims and rights-of-way. If it was easy, we would have done it in the

last 100 years. It will be incredibly expensive and take more resources than Nevada has. I have submitted a document with much of my statement in opposition ([Exhibit T](#)).

Susan Juetten:

I oppose S.J.R. 1. Like others, I stay in Nevada because I love our open spaces. With my written testimony ([Exhibit U](#)), I have included a map of the checkerboard. People speak casually about the lands slated for disposal, but when I look at this map, I see lands in Washoe County, including my backyard. We have done extensive work at the local level to designate trails and manage these lands for their wildlife values. These so-called disposable lands back up to Washoe County urban lands which people move to for quality of life. This accounts for some 400,000 people who recreate here. We are in awe every day because we can see a wildcat and several species of raptors identified as sensitive.

The problems in the rural areas could be fixed without the wholesale selling of these lands. Anyone who says there will still be access to land that has been sold for geothermal or windfarm resources, including my backyard, is using too broad of a brush to characterize these lands.

Mr. Slade:

I oppose S.J.R. 1. I am not a particular fan of the BLM or the federal government, but I do not believe that Nevada could do a better job of managing our public lands. History shows Nevada all too often has sold its public lands to the highest bidder. This is contrary to the public interest. Your priority should be to act as stewards for the public trust; to preserve and enhance our quality of life; to protect recreational opportunities and wildlife—not merely to add revenues to the State. Yet this resolution states that the lands transferred to Nevada must be managed for maximization of net revenues. That sounds like a clarion call for disposal or sale to the highest bidder. Without those sales, I am concerned this transfer would be a huge cost to the State. Only through those sales could you possibly show a profit.

I am also concerned about the second phase of transfers, which the proponents did not address. The first phase is BLM land only, but the second phase includes BLM land, all USFS land and “any other federally managed and controlled land.” That alarming statement is unacceptable and should be removed from the bill.

The State motto, which appears on our State seal, is “All for Our Country.” This resolution seems to prioritize Nevada’s bottom line. All for Our Country would dictate these lands stay in federal hands for the sake of all Americans, including Nevadans. Many of us moved here specifically to enjoy our public lands. This resolution is far too costly unless vast amounts of public lands are sold. I urge you to reject S.J.R. 1.

Erik Holland:

I am a landscape painter and I oppose S.J.R. 1 because of the large scale of the proposal. While I am not opposed to some intelligent land transfers, keeping in mind principles of smart growth and compact urban footprint, the fact is I live in Nevada because of the nothing—the big nothing—the wide skies and open spaces. This is how we market ourselves to others, like in Nevada’s Official Travel and Leisure Guide that says “Don’t fence me in” on the cover ([Exhibit V](#), Original is on file in the Research Library).

I do not think we should balance our education budget on land sales. Rather, we need to support the Governor’s intelligent proposals to support education. Thank you, Governor Sandoval, for stepping up. Selling off land to pay bills is a route to poverty. Read *Snopes: A Trilogy* by William Faulkner.

I recently visited Zion National Park. South of the park are huge barriers of hopscotch development—sprawlmarkets, McMansions and strip malls. That is what happens to poorly planned private development. I think the nothing we have in Nevada is precious. Let us hold on to it.

I spent the weekend among other local artists gathering letters opposing large-scale transfers of public land for development. Eighty percent of the people signed the letter. Thank you for the opportunity to testify and represent these people.

Kent Ervin:

I was attracted to Nevada by a job offer in 1990 from University of Nevada, Reno, but I stayed here because of access to the wide-open spaces. I explore my backyard on Peavine Mountain and out in the Fox Range or into the Black Rock Desert. I took my Kansas parents to the Black Rock Desert in 1991 to show them what was so great about me choosing to live away from Kansas. We accidentally stumbled upon one of the early celebrations of Burning Man; they never recovered, but did get the idea about our wide-open spaces.

I have never been denied access for all the things I like to do on federal public lands. I have, however, been denied access by small private holdings on roads to public lands blocked by gates and fences with "No Trespassing" signs. I respect property rights, but private lands in the headland areas often deny us access to public lands.

Appendix F on the Task Force report, [Exhibit G](#), basically admits no inventory of sellable, leaseable or revenue-generating lands in Nevada. The report compares coal, gas and timber sales from other states. This is not apples versus oranges; it is coal, gas and timber versus cheatgrass. Cheatgrass burns. Burning means you have to pay to suppress the fires and replant.

Another thing not mentioned in the report is the great economic impact of public lands for recreation to bring people into the State who bike, hike, ski, ride dirt bikes, target shoot and more. All those people spend money here.

Chair Farley:

We have had some input from the sportsmen on how much revenue those individuals bring into the State.

Dan Carrick (Lahontan Audubon Society):

We oppose S.J.R. 1. The threat of extinction to the greater sage grouse is real, given today's environment. The threat of extinction with the reduction of the wildland ecosystem through future development could be the end of the species and its sagebrush obligates. We want to make sure people are cognizant of that. Please keep the wilderness wild.

Janice Flanagan:

I do not support S.J.R. 1. I am speaking for my grandchildren and their grandchildren. If we do not keep these public lands public, our children and their children will be poorer for it. It is a wonderful time in the life of a child when he or she gets to go outside to hear the birds and be away from civilization. This enriches a child. Much has been made about monetizing these lands. There can be higher values than monetary values. To speak to the monetary values, our public lands and outdoor opportunities attract the young entrepreneurs who we need to help grow our economy.

Karen Boeger (Backcountry Hunters and Anglers, Nevada Chapter):

I oppose S.J.R. 1. We all have issues with the feds, but the feds are truly us, and our government has devised a process whereby we can give our input whenever projects come up or need management. This is a legal process. The State does not have that option. If these lands were in the State's management and still kept as multiple-use lands, there is not a vehicle whereby the public can give input regarding that land.

Extolling the lands east of Colorado as a fantastic model of having control over our State lands is one thing, but it is those people from those states who come into our State to fish, hunt and recreate. Public lands are our savings account given to us in trust to use wisely and sustainably and then pass on to future generations. Nevada public lands are the last of our Wild West. Let us keep it that way. I have submitted my written testimony ([Exhibit W](#)).

Leah Sturgis:

I am against S.J.R. 1. As a landowner, I am becoming increasingly concerned about a State land grab. We, the citizens of Nevada, are being asked to simply close our eyes and trust our State officials to designate what lands should be sold. This land is so much more valuable than inflated U.S. dollars. Once you sell the land and get the money, then the money is gone in no time and you have no land to show for it. This could also have dire consequences for water resources, wilderness conservation and critical wildlife habitat. It would be an atrocity to sell these lands.

Shevawn Von Tobel:

As a third-generation Nevadan, I oppose S.J.R. 1. I am seeking to stay here and raise a family. What has not been brought up is the fact that public lands are for the benefit of working class families. They are free to use. These recreational areas are the places where lower- and middle-class families can go for a day or a weekend away for a very low cost. As we know, State-managed lands in most cases involve a fee to use, so if you take away our public lands or put them under State ownership, you are taking away fresh air, exercise and a welcome respite from the urban environment for many families.

James Thompson:

I do not support S.J.R. 1. I live in Las Vegas and find that Task Force report disingenuous in that the author of the measure is so well-versed on what it takes to enter the endeavor of mining and/or power generation in an arid

climate. We do not have water. The conversation about water should have equaled the conversation about money. The water is not there.

The second reason I object to this resolution is that the State as well as the federal government does not pass the arm's length requirement to put the BLM on trial. You have defunded it whether by default or by design—it does not have the money to do the bidding of the people of this State.

Two weeks ago, the sponsor of this bill, Senator Goicoechea, proclaimed when he was talking about Senate Bill 119 in his committee that he could fund schools to the tune of millions of dollars if he took all the money out of the nonunion construction workers' pockets. So now that he has established he can raise \$400 million to build schools under this land transfer program with S.J.R. 1, is he going to return that money to the pockets of those working class people, or is this just another scam?

SENATE BILL 119: Revises provisions relating to educational facilities.
(BDR 28-732)

Minas Mkhitarian:

I am an American who cares deeply about land in Nevada, and I am diametrically opposed to S.J.R. 1. I want to encourage the Committee to look into the Southern Nevada Public Lands Management Act of 1998 (SNPLMA). I have not heard conversation about the benefits Nevada sees from BLM land sales, of which SNPLMA is a great example. Money generated from BLM land sales comes back to Nevada through this law. Many projects have been completed based on SNPLMA funds. Public lands have lifted me out of some of the darkest times of my life. You cannot put a monetary figure on that invaluable resource. As a steward of the land, usually accompanied by an army of volunteers, I urge you to vote no on this resolution.

Mr. Watts:

I am opposed to S.J.R. 1. We should come together to work with our federal government to address some of the management issues. Some places have experimented with privatizing or shifting these lands, and it has not been successful. We do see that when private interests own the land, we lose access. I have submitted my written testimony ([Exhibit X](#)).

Anthony Barron:

I oppose S.J.R. 1. To equate Areas of Critical Environmental Concern with wilderness is misleading. Gold Butte is an ACEC that has more than 500 miles of roads and ATV trails. Land classified as ACEC is nothing like wilderness.

Second, the complaint about the percentage of Nevada in federal government hands is disingenuous, kind of like someone who moves next to an airport and complains about the jet noise.

Third, part of the bill has a goal to maximize revenue from the lands, but also states the goal is to maintain or increase public access. Those two points contradict each other — you can either get revenue or maintain openness.

Last, the state trust lands started at around 4 million acres and are reduced to 3,000 acres now. This means that more than 99.9 percent of the state trust lands Nevada started with have been given away.

John Hiatt:

I am opposed to S.J.R. 1. I have been involved in Nevada conservation issues for almost 40 years. Nevada is the driest state in the union and it has the most public land. Those two facts are directly related. In *Beyond the Hundredth Meridian*, Wallace Stegner attributes a John Wesley Powell statement in the 1870s, that “With more than twenty [inches of annual precipitation] you can grow crops unirrigated; with less than twenty, you cannot.” In Nevada, we cannot irrigate and we cannot farm most of the State. That is why it is still public land. Our forebearers recognized that the only parts of it they could utilize for agriculture were bottomlands in wet areas. So they left all the rest for the federal government to manage.

The idea that we could somehow privatize these lands and extract money from the lands is nonsensical. We heard about all the Recreational and Public Purpose leases we should acquire. In Clark County, the R&PP leases allowed CCSD to build schools and acquire land at around \$2 per acre. It was a huge bargain. If the school district had to buy that land, it would be in even worse shape than it is today.

I am astounded and dismayed at the level of economic ignorance the Committee has shown to justify selling this land. If you think ranchers will pay multiple dollars an acre each year for grazing leases, that is a pipe dream. Take

a real careful look at the economic analysis and you will see serious faults. This does not even mention the issues with public access to these lands, which for me, makes Nevada worth living. I have submitted my written testimony ([Exhibit Y](#)).

Robert Gaudet (President, Nevada Wildlife Federation; National Wildlife Federation):

Nevada Wildlife Federation (NvWF) is the State's oldest nonprofit conservation and education organization. The sportsmen who founded NvWF in 1951 created the organization as a leading voice in the issues affecting wildlife, wetlands, lakes, streams, forests, rangelands and other priceless natural resources.

The endgame is simple: if enough Western states support this absurd initiative, Congress could support a public land sell-off. In a single generation, this precious American birthright that we call public lands could be a thing of the past. I have submitted my written testimony ([Exhibit Z](#)) in opposition to S.J.R. 1.

Jaina Moan (Executive Director, Friends of Gold Butte):

I am opposed to S.J.R. 1. Gold Butte covers 350,000 acres of land in southeastern Nevada and is managed by the BLM. I represent more than 500 members who advocate permanent protection for this beautiful land. Within the boundaries of Gold Butte are seven ACECs designated for the desert tortoise, cultural resources and wildlife habitat.

Often called "Nevada's piece of the Grand Canyon," Gold Butte is cherished by Nevadans, Americans and visitors from other countries. I am concerned this resolution would fragment land there, making it difficult to protect this beautiful area. Even worse, I am fearful that S.J.R. 1 would make lands within Gold Butte inaccessible to the public. This would be the case if Nevada were to sell parts of Gold Butte, those not excluded in the proposed resolution, to the highest bidder.

I recently moved to Nevada because I love public lands. It was a big move to me. I moved here because I love to hike, camp and backpack—and because Nevada has the highest percentage of publicly owned, federally managed land in the U.S. Everyone owns this land, and I am proud to be in a State that honors this heritage.

I have not heard anyone mention the economic benefit that recreation brings to the State and even more important, it is one of the most sustainable sources of revenue for the State. But this is only sustainable if the land is kept open to the public. Please do not take that away.

Jose Witt:

I am opposed to S.J.R. 1 and think it brings up more questions than answers. With Phase 2, the [Exhibit G](#) report says we want to get the land currently managed by the BLM and USFS, with some exclusions. Those exclusions do not include the Spring Mountains National Recreation Area, which hosts millions of visitors seeking refuge in the summer. I wonder what the long-term plan for that area is. All these lands belong to all Americans. Our lands are our heritage. We must keep the lands in public hands.

Howard Rubin:

I am a member of Friends of Red Rock Canyon. We are on record as being against S.J.R. 1. Phase 1 seems to include the low-hanging fruit land-wise, but it is only the beginning. While there is no oil and gas here, that will not stop people who are seeking profit from exploring for oil and gas. People in Montana know well what happens when their Yellowstone River has an oil spill that causes city water to be unusable because of its benzene content. North Dakota and Arkansas also have this problem. Once we have private and corporate interests, we will have it too. Private and corporate interests are the enemy of public land.

Christian Gerlach:

I oppose S.J.R. 1. We have not yet established an appropriate monitoring system for oil and gas development in the State. It is very dangerous that our Legislators are actually trying to use that as a means to predicate this federal land grab.

Senator Goicoechea:

People today have talked about selling off the original 3.5 million acres of State Trust Land. Folks, that is where you live. If it was not for those acres, you would not have a piece of private property to live on. This is a congressional action. Give us a chance. Let us show you with Phase 1, the 7.2 million acres, that we can do a better job than the feds. After 150 years of federal land management, I do not think it is going that great.

Chair Farley:

I have received some letters to be included in the minutes from Bevan Lister ([Exhibit AA](#)); Bob Fulkerson and the Progressive Leadership Alliance of Nevada ([Exhibit BB](#)); Sonya Hem Giroux ([Exhibit CC](#)); Dennis Ghiglieri ([Exhibit DD](#)); Tyler Nickl ([Exhibit EE](#)); and Leora Olivas ([Exhibit FF](#)). I will close the hearing on S.J.R. 1 and ask for public comment.

C.T. Wong:

After listening to the discussion, I am concerned about the gross numbers expressed by the opposition. They say Nevada belongs to the Nation. That is a nice emotional appeal. There are 310 million people in America and the last number I heard is that 42 million come to Nevada. How many of those 42 million visit our wild-and-woolly open areas? Now everybody in America is interested in our wildlands. Many people talked about access. I do not know how much of the checkerboard contains access land, but Wikipedia tells me 110,622 square miles in Nevada equate to about 71 million acres, so 7.2 million acres is one-billionth of that. What are we arguing about?

Ms. Bowen:

I would like to ask you as a Legislator, you as Legislators in the Nevada State Legislature to look into actions taken by previous Legislatures saying that the power companies didn't have to go through the PUC if it was 125 kv volts or less because what has happened is the poles that now exist within our communities are being burdened with many lines of 125 kv or less. And I feel like that the State was a good watchdog for what's happening with above-ground power in protecting our lands and protecting our people and protecting our quality of life.

I would also like to ask you as a Legislator, and you as Legislators in the Nevada State Legislature to look into what dictate was done many administrations ago at the federal level regarding the boundaries of the property and the United States of America. Many people are finding out in the Mount Rose area that land passed down from family to family that have all of a sudden they had a need to sell; that the Forest Service would even go so far as to put liens against their property because geographers and surveyors couldn't agree upon how to convert to the new type of measurement. And I wonder if we gained or lost part of

Lake Tahoe in this activity. Did we gain or lose parts of southern Nevada, northern Nevada? All the boundaries in the United States have been altered by this massive change in how to measure our property. Your gravesite might not even be in the same cemetery. Thank you very much.

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Chair Farley:

I will close the meeting. We are adjourned at 7:21 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Patricia Farley, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	20		Attendance Roster
S.J.R. 3	C	2	Lieutenant Governor Mark A. Hutchison	Proposed Amendment 9713
S.J.R. 3	D	2	Lieutenant Governor Mark A. Hutchison	Talking Points
S.J.R. 3	E	5	Lieutenant Governor Mark A. Hutchison	Written Testimony
S.J.R. 3	F	1	Howard Watts III	Written Testimony in Opposition
S.J.R. 1	G	118	Senator Pete Goicoechea	A Report of the Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands: Congressional Transfer of Public Lands to the State of Nevada
S.J.R. 1	H	15	Mike Baughman	Overview of Nevada Public Land Management Task Force Final Report presentation
S.J.R. 1	I	1	Steve Walker	Eureka County Support of S.J.R. 1
S.J.R. 1	J	1	Richard Brengman	Written Notes in Support
S.J.R. 1	K	2	Terry Sullivan	Written Testimony in Support
S.J.R. 1	L	5	Ramona Hage Morrison	Written Testimony in Support
S.J.R. 1	M	2	Jim Falk	Written Testimony in Support
S.J.R. 1	N	5	Alisa L. Bistrek	Proposed Amendment
S.J.R. 1	O	1	Charleston Neighborhood Preservation	Written Testimony in Support
S.J.R. 1	P	1	Clark County	Proposed Amendment

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S.J.R. 1	Q	2	Peter V. Bradley	Written Testimony in Opposition
S.J.R. 1	R	3	Sierra Club, Toiyabe Chapter	Written testimony in Opposition
S.J.R. 1	S	1	Tina Nappe	Written Testimony in Opposition
S.J.R. 1	T	2	Friends of Nevada Wilderness	Statement in Opposition
S.J.R. 1	U	3	Susan Juetten	Written Testimony in Opposition; Checkerboard Map
S.J.R. 1	V	124	Erik Holland	Travel Nevada guide
S.J.R. 1	W	1	Karen Boeger	Written Testimony in Opposition
S.J.R. 1	X	1	Howard Watts III	Written Testimony in Opposition
S.J.R. 1	Y	2	John Hiatt	Written Testimony in Opposition
S.J.R. 1	Z	2	Nevada Wildlife Federation; National Wildlife Federation	Written Testimony in Opposition
S.J.R. 1	AA	2	Bevan Lister	Written Testimony in Support
S.J.R. 1	BB	2	Progressive Leadership Alliance of Nevada	Written Testimony in Opposition
S.J.R. 1	CC	1	Sonya Hem Giroux	Written Testimony in Opposition
S.J.R. 1	DD	2	Dennis Ghiglieri	Written Testimony in Opposition
S.J.R. 1	EE	1	Tyler Nickl	Written Testimony in Opposition
S.J.R. 1	FF	1	Leora Olivas	Written Testimony in Opposition